

## JOURNAL OF THE HOUSE.

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Monday, December 13, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, at the opening of each legislative session, we pause for a moment of reflection and pray for guidance as we focus our personal attention and energies on the many needs of people in our communities. Help us to comprehend clearly and to read accurately the, perhaps confusing, signs of the times. In Your goodness, teach us to organize our personal and legislative goals and priorities in a prudent manner. Let our listening skills and quest for new information enable us to meet today's and tomorrow's opportunities for serving others. Inspire us to hold in the highest esteem Your human and spiritual values and precepts as we carry out our responsibilities.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Messages from the Governor — Vetos.*

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to the use of certain funds by municipalities [see House, No. 4184, changed and amended] (for message, see House, No. 5154) was filed in the Office of the Clerk on Thursday, December 9.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing the town of Westport to develop and maintain a subsidized housing plan for low and moderate income housing [see House, No. 5050] (for message, see House, No. 5155) was filed in the Office of the Clerk on Thursday, December 9.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

### *Message from the Governor.*

A message from His Excellency the Governor recommending legislation relative to decoupling from federal production activity deduction (House, No. 5156) was filed in the office of the Clerk on Thursday, December 9.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Taxation. Sent to the Senate for concurrence.

#### *Resolutions.*

Lois K.  
Rogers.

Resolutions (filed with the Clerk by Representatives Stanley of West Newbury and Speliotis of Danvers) congratulating Dr. Lois K. Rogers on the occasion of her retirement, were referred, under Rule 85, to the committee on Rules.

Mr. Petrolati of Ludlow, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Verga of Gloucester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

#### *Petition.*

Everett,  
Ralph  
Cecere.

Mr. Connolly of Everett presented a petition (subject to Joint Rule 12) of Edward G. Connolly (with the approval of the mayor and city council) relative to the calculation of retirement allowances payable to Ralph Cecere, a former teacher in the school department of the city of Everett; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Story of Amherst, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

#### *Papers from the Senate.*

Elder  
abuse,  
reporting.

The House Bill relative to the reporting of abuse of elders (House, No. 1116) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the following:

"Section 15 of chapter 19A of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the word 'podiatrist', in line 5, the following words:— , director of a council on aging, outreach worker employed by a council on aging."; and inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would defeat its purpose, which is forthwith to mandate reporting of elder abuse and neglect by certain employees of councils on aging, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of public safety and convenience."

Under suspension of Rule 35, on motion of Ms. Blumer of Framingham, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

A Bill authorizing the conveyance of a certain parcel of land in the city of Revere (Senate, No. 2514, amended in section 1, in line 3, by striking out the following: "40F to 40J" and inserting in place thereof the following: "40H to 40I", in line 8, by inserting after the word "Trust" the words "for parking purposes only", and by adding at the end of said section the following sentence: "The exact boundaries of the parcel shall be determined by the commissioner in consultation with the department of conservation and recreation after completion of a survey."; in section 2, by striking out the following: "provided however, the commissioner may accept on behalf of the commonwealth the conveyance of a parcel of land by Joseph A. Festa, Jr. and John V. Festa, Trustees of Festa Towers Irrevocable Trust in the city of Revere which shall be of equal or greater value than the parcel being conveyed by said section 1.; by striking out section 4 and inserting in place thereof the following section:

Revere,  
land.

"SECTION 4. No deed conveying the parcel of land from the commonwealth to the proponents named in this act shall be valid unless the deed contains a provision restricting the use of the parcel to parking purposes only."; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize conveyance of certain land in the city of Revere, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience." (on Senate, No. 2511), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Berkshire County House of Correction and Jail, in the city of Pittsfield, was spread upon the records of the House; and returned to the Senate.

Berkshire  
County  
Jail,  
inspection.

#### *Reports of Committees.*

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the city of Brockton to install, finance and operate solar energy facilities (House, No. 4955) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Brockton,  
solar  
energy.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Grant of Beverly, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Long-Term Debt and Capital Expenditures,— that the bill be amended by substitution of a bill with the same title (House, No. 5098),— was adopted; and the substituted bill was ordered to a third reading.

Community  
preservation.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the acquisition of land for community preservation purposes (House, No. 5144) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Wollaston  
Recreational  
Facility.

Mr. Scaccia of Boston, for the committee on Rules, on House No. 4878, reported, in part, a Bill authorizing the county commissioners of the County of Norfolk to borrow money for the preparation of plans and specifications for renovation of and additions to the Presidents Golf Course Clubhouse at Norfolk County's Wollaston Recreational Facility (House, No. 4044). Read; and referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

Food  
supplies.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill to protect local food supplies, farmland and farm viability (House, No. 4516) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

#### *Emergency Measure.*

Bonds  
and notes,  
terms.

The engrossed Bill relative to the terms of certain bonds to be issued by the Commonwealth (see printed in House, No. 5108), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 15 to 0. Sent to the Senate for concurrence.

#### *Engrossed Resolve.*

Resolve  
passed.

The engrossed Resolve in favor of the estate of Mary Jane Simons (see House, No. 5073) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate.

#### *Engrossed Bills.*

Bills  
enacted.

Engrossed bills  
Relative to crimes against the elders and persons with disabilities (see Senate, No. 1083, amended);

Authorizing the town of Hull to extend leases on Nantasket Pier and to borrow money for the construction of a certain marine or pier facility for a term of not to exceed 30 years (see Senate, No. 2214, amended);

Authorizing the town of Hull to extend the leases at Pemberton Pier (see Senate, No. 2215, amended);  
(Which severally originated in the Senate);

Authorizing Martha's Vineyard affordable housing covenants (see House, No. 1510);

Relative to the parties to insurance coverage for tenant relocation expenses (see House, No. 1879, amended);

Relative to the Massachusetts Property Insurance Underwriting Association (see House, No. 4672);

Relative to town meeting warrants in the town of North Andover (see House, No. 4785);

Relative to town meeting warrant summaries in the town of North Andover (see House, No. 4787);

Relative to certain sewer betterments in the city of Gloucester (see House, No. 4889);

Authorizing the certification for appointment of Eric K. Gouck as a firefighter in the town of North Attleborough (see House, No. 4963); and

Relative to elections in the town of North Attleborough (see House, No. 5012);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

#### *Orders of the Day.*

The Senate Bill establishing an economic development fund in the town of Plymouth (Senate, No. 2390) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third  
reading  
bill.

#### *House bills*

Providing for recall elections in the town of Groveland (House, No. 4171);

Establishing a capital depreciation fund in the town of Paxton (House, No. 5115); and

Directing the Commissioner of Revenue to accept a certain application for abatement of taxes (House, No. 5123);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third  
reading  
bills.

#### *Recess.*

At five minutes before twelve o'clock noon, on motion of Mr. Ruane of Salem (Mr. Donato of Medford being in the Chair), the House recess until a quarter after twelve o'clock; and at twenty minutes after twelve o'clock, the House was called to order with Mr. Donato in the Chair.

Recess.

The Senate Bill establishing the Essex North Shore Agricultural and Technical School district (Senate, No. 2419, amended) came from the Senate with the endorsement that said branch had concurred in the House amendment (striking out all after the enacting

Essex  
Agricultural  
School.

Essex  
Agricultural  
School.

clause and inserting in place thereof the text contained in House document numbered 5145) with the following further amendments:

In section 3, in the first paragraph, striking out the last sentence and inserting in place thereof the following sentence: "The board, whose appointments shall be made within 30 days from the effective date of this act, shall not begin construction nor incur indebtedness until the vote required by section 4 has been certified by the commissioner of education.";

In said section 3, in the second paragraph, in the first and second sentences, and also in section 14, in the first paragraph, in the first sentence, striking out the following: "following certification by the commission of education of the vote required by section 4" and inserting in place thereof, in each instance, the words "preceding the opening of the Essex North Shore agricultural and technical school"; and adding at the end thereof the following section:

"SECTION 19. The remainder of this act shall take effect upon its passage."

Under suspension of Rule 35, on motion of Mr. Hill of Ipswich, the further amendments (reported reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

*Recess.*

Recess.

At five minutes before one o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recess until a quarter before two o'clock; and at six minutes before two o'clock, the House was called to order with Mr. Donato in the Chair.

*Engrossed Bill.*

Bill  
enacted.

The engrossed Bill establishing the Essex North Shore Agricultural and Technical School district (see Senate, No. 2419, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Order.*

Next  
sitting.

On motion of Mr. DiMasi of Boston,—  
*Ordered*, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

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At eighteen minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.